

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-263-T - ORDER NO. 2005-108
MAY 31, 2005

IN RE:	Application of Patricia O'Neil d/b/a McClain)	ORDER SETTING
	Moving, 4 Carriage Lane, Suite 206,)	HEARING
	Charleston, SC 29407 (Mailing address: Post)	
	Office Box 71494, North Charleston, SC)	
	29415) (District 6) to Amend Class E)	
	Certificate of Public Convenience and)	
	Necessity and for a Rate Increase.)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on request to schedule a hearing on the Application of Patricia O’Neil d/b/a McClain Moving (“McClain Moving”) to amend the Company’s name on the Class E Certificate of Public Convenience and Necessity, and for a rate increase. By Commission Order No. 92-330, McClain Moving was granted authority to operate under a Class E Certificate of Public Convenience and Necessity (“Certificate”).

On September 2, 2004, McClain Moving filed an Application with the Commission to amend McClain Moving’s Certificate No. 9067 by a change in the name appearing on such Certificate. McClain Moving seeks to change its name from Patricia O’Neil d/b/a McClain Moving to McClain Moving, LLC. Additionally by its Application, McClain Moving seeks approval of an increase in certain rates. The Commission’s Transportation Department instructed McClain Moving to publish a Notice of Filing in a newspaper of general circulation in the service area affected by McClain Moving’s present Application. McClain Moving complied with this instruction by timely

publishing the Notice of Filing and thereafter filing an affidavit of publication attesting to publication as directed by the Commission's Transportation Department. The Notice of Filing established November 8, 2004, as the date by which interested persons or entities could timely file petitions to intervene or present their views in writing with the Commission. No petitions to intervene or protests were filed with the Commission.

On March 1, 2005, L. George Parker, Jr., Program Manager of the Transportation Department of the Office of Regulatory Staff ("ORS") filed a letter with the Commission stating the ORS's views on McClain Moving's Application. According to Mr. Parker, the ORS had been unsuccessful in obtaining necessary documentation to support the requested rate increase. Furthermore, according to Mr. Parker, the ORS has considerable concern regarding McClain Moving's cooperation in complying with the rules and regulations pertaining to motor carriers. Mr. Parker states that the ORS has found no record of McClain Moving having filed annual reports or gross receipts information. According to Mr. Parker, when the ORS requested copies of annual reports and gross receipts information, McClain Moving advised the ORS that the reports had not been filed. Lastly, as a party to this proceeding, ORS expresses opposition to the approval of McClain Moving's Application.

After consideration of this matter, the Commission deems that circumstances may exist in the present docket that may warrant further inquiry into McClain Moving's cooperation in complying with the rules and regulations pertaining to motor carriers and that may warrant further review of McClain Moving's present Application. Upon the Commission's belief that certain circumstances may exist to merit further inquiry and

review and upon the concerns of ORS regarding McClain Moving's Application, the Commission concludes that a hearing should be held on this matter. The Commission believes that a hearing will afford the Commission, McClain Moving and the ORS an opportunity to more adequately address all concerns relative to McClain Moving's Application and an opportunity for additional information or evidence to be presented by McClain Moving and the ORS in support of the parties' respective positions on the present proceeding.

IT IS THEREFORE ORDERED:

1. That a hearing be scheduled on the Application of Patricia O'Neil d/b/a McClain Moving to amend Class E Certificate of Public Convenience and Necessity and for an increase in rates.
2. That the Commission Staff schedule a date and time for the hearing and properly notify all parties of the scheduled hearing.
3. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman
(SEAL)